

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

United States of America,

Plaintiff,

-vs-

Earl Russell St. Claire,

Defendant.

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Case No. 3:10-cr-134

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Following a referral from the undersigned judge, Defendant Earl Russell St. Claire appeared before the Magistrate Judge for a hearing on alleged violations of supervised release conditions. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending that St. Claire's supervised release be modified according to the terms agreed upon by the parties and that he receive appropriate medical treatment for his rheumatoid arthritis. The parties have waived their right to object to the Report and Recommendation.

The Court has reviewed the Report and Recommendation, along with the entire file, and finds the Magistrate Judge's recommendations are appropriate. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, the Court finds St. Claire violated a standard condition and special condition # 1 of supervised release as set forth in the Amended Petition. The Court, therefore, **ORDERS** as follows:

- (1) St. Claire shall reside at Heart of America Correctional and Treatment Center and shall participate in the facilities programs and abide by its rules and regulations;
- (2) Upon completion of the treatment program at Heart of America, St. Claire shall reside at Centre, Inc. in Fargo, North Dakota for a period of up to six months and shall participate in the center's programs and abide by its rules and regulations;
and

- (3) St. Claire shall continue to abide by any supervised release condition not otherwise modified by this Order.

IT IS FURTHER ORDERED that St. Claire receive appropriate medical treatment for his rheumatoid arthritis.

IT IS FURTHER ORDERED that the United States Marshal Service transport St. Claire to the Heart of America Correctional and Treatment Center in Rugby, North Dakota.

IT IS SO ORDERED.

Dated this 1st day of November, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court